

REMARKS

This is in full and timely response to the Restriction Requirement made in the Office Action mailed on August 22, 2006. Reexamination in light of the following remarks is respectfully requested.

Restriction Requirement

The Restriction Requirement of August 22, 2006 asserts an existence of the following patentably distinct inventions:

- **Species I** contains a sensor device that detects tire inside information, and
- **Species II** contains a sensor device that detects tire inside information further comprising a control circuit.

Election

The Applicant, through its representatives and attorneys, hereby provisionally elects, WITH traverse, the invention of the alleged **Species II**, having all claims present readable thereon.

Traversal

For the reasons provided hereinbelow, the Restriction Requirement made within the Office Action mailed on August 22, 2006 is respectfully traversed.

The above-identified application is an application under 35 U.S.C. §371

The above-identified application was filed under 35 U.S.C. §371 and 37 C.F.R. §§1.494 or 1.495, being based upon international application No. PCT/JP2003/015769 having an International filing date of December 10, 2003. Accordingly, M.P.E.P. §1893.03(d) provides that the principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application.

Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications. However, the Restriction Requirement made by the Examiner in the Office Action of August 22, 2006 is based upon 35 U.S.C. §121 and not under the principles of unity of invention. Accordingly, the Restriction Requirement is improper at least for this reasons.

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. M.P.E.P. §1893.03(d).

However, the Restriction Requirement of August 22, 2006 fails to either (1) list the different groups of claims or (2) explain why each group lacks unity with each other group.

Thus, the Restriction Requirement is improper at least for this reason.

Withdrawal of this Restriction Requirement and examination of all pending claims is respectfully requested. An early Action on the merits of this application is additionally respectfully requested.

Applicant believes no fee is due with this response.


Application No. 10/538,301
Amendment dated September 7, 2006
Reply to Office Action of August 22, 2006

Docket No.: OGW-0369

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: September 7, 2006

Respectfully submitted,

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